

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

CYNTHIA JOHNSON
Plaintiffs,

v.

STATE FARM LLOYDS
Defendant.

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CASE NO. 4:21-CV-00158-Y

**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO CONTINUE THE
COURT'S CONSIDERATION OF
DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Defendant State Farm Lloyds ("State Farm") files this Response to Plaintiff's Motion to Continue the Court's Consideration of Defendant's Motion for partial Summary Judgment, and would respectfully show the Court the following:

1. Plaintiff argues she needs more time to develop evidence of *wind* damage to Plaintiff's roof, and this is sufficient reason to delay this Court's ruling on a *hail* endorsement in Plaintiff's homeowners' policy. But no discovery could change the effect of endorsement form HO-2722 METAL ROOF EXCLUSION FOR HAIL. Plaintiff has admitted there is no opening in her metal roof. Summary judgment on this issue is warranted.
2. Further, now is the time for a ruling on the applicability of the hail endorsement. Plaintiff is correct: discovery is in its infancy, and experts on both sides will need to view the property, evaluate any damage, and prepare reports. If this Court delays its ruling on the hail endorsement until the close of discovery, both parties will need to spend unnecessary time and money addressing possible hail damage that is not covered under the policy.

PRAYER

For the above reasons, Defendant State Farm Lloyds asks that the Court deny Plaintiff's to continue the court's consideration of Defendant's Motion for Partial Summary Judgment. Defendant further asks this Court to grant any such further relief to which it is justly entitled.

Respectfully submitted,

/s/ Elizabeth Sandoval Cantu

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document has been served on all counsel of record on the 2nd day of August, 2021, as indicated below:

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